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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GROSS, KENNETH A

ART UNIT

PAPER NUMBER

2122

DATE MAILED: 12/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/587,888

Applicant(s)

BRITTON ET AL.

Examiner

Kenneth A Gross

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Access 97 Macro & VBA Handbook by Susann Novalis, 1997 (hereinafter Novalis).

In regard to Claim 1, Microsoft's Access 97 software (as described by Novalis) teaches the following: (1) defining the database in an entity relationship data model (page 1, lines 1-2); (2) creating a source file containing instructions for processing the database, including high-level directives. Microsoft Access allows a user to create VBA source files that process a database, including macros, which help to process the database (Chapter 5, page 1, lines 1 and lines 9-10) (3) pre-processing the source file, by replacing directives with code, and using information from the data model to generate a destination file. Replacing the directives in the source file with code is an inherent part of processing macros during compilation. Claims 7, 13, and 16 correlate directly with Claim 1, and are rejected for the same reasons as Claim 1.

In regard to Claim 2, it was shown above that VBA programming in Microsoft Access 97 allows for macros to be used, where macro substitutions are performed on the source file (Chapter 5, page 1, lines 1 and lines 9-10). Claim 8 correlates directly with Claim 2, and is rejected for the same reasons as Claim 2.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Access 97 Macro & VBA Handbook by Susann Novalis, 1997 (hereinafter Novalis) in view of C++ The Complete Reference Third Edition by Herbert Schildt, 1998 (hereinafter Schildt).

In regard to Claim 3, Novalis teaches the method of Claim 1, but does not explicitly teach directives that specify another file containing code to be included in the destination file. Schildt, however does teach a well-known programming concept of an 'include' pre-processor command, which includes code in another file in the current file during compilation (Chapter 10, '#include' subsection). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a method of generating code as taught by Novalis, wherein some of the directives in the code have the capability to include code in other files, as taught by Schildt, since this would allow the source file to reference multiple files, without having to put all necessary code into one file. Claim 9 correlates directly with Claim 3, and is rejected for the same reasons as Claim 3.

5. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Access 97 Macro & VBA Handbook by Susann Novalis, 1997 (hereinafter Novalis) in view of Abadi (U.S. Patent Number 6,253,370).

Novalis teaches the method of Claim 1, but does not teach including annotations in the model to process the source code. Abadi, however, does teach using annotations in a computer program to facilitate processing of the program (Abstract, lines 1-2). Claims 6, 12, and 15 correlate directly with Claim 6, and are rejected for the same reasons as Claim 6.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Access 97 Macro & VBA Handbook by Susann Novalis, 1997 (hereinafter Novalis) in view of Ewart (U.S. Patent Number 6,275,986).

In regard to Claim 4, Novalis teaches the method of Claim 1, but does not teach that some of the directives cause run-time macros to be inserted into the destination file, and further, the method of processing the macros at run-time. Ewart, however, does teach that certain macros are known to be run-time macros, and these macros are processed at run-time (Column 1, lines 50-58). Claims 10 and 14 correspond directly with Claim 4, and are rejected for the same reasons as Claim 4.

In regard to Claim 5, the examiner takes official notice that a macro exists in VBA that can save a database file onto a hard disk, and thus the macro defines a storage scheme for the database. Claim 11 corresponds directly with Claim 5, and is rejected for the same reasons as Claim 5.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542. The examiner can normally be reached on Mon-Fri 7:30-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A Morse can be reached on (703) 308-4789. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

KAG
November 21, 2002


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100